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EXAMINER	
LASHLEY, LAUREL L	
ART UNIT	**PAPER NUMBER**
2132	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.	Applicant(s)	
	10/679,268	FASCENDA, ANTHONY C.	
	Examiner	Art Unit	
	Laurel Lashley	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 July 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,5-8 and 12-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,5-8 and 12-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendments with respect to claims 1 – 2, 5 – 8 and 12 – 22, and cancelled claims 3 – 4, 9 – 11 filed 07/30/2007 have been accepted. Applicant's amendments have dutifully overcome the 112 rejections therefore it is withdrawn, however the amendments have introduced a new claim objection.

Claim Objections

2. Claim 22 is denoted with an incorrect status identifier "(ORIGINAL)" where it should be --(CURRENTLY AMENDED)--. Appropriate correction is required.

Response to Arguments

3. Applicant's arguments filed 07/30/2007 have been fully considered but they are not persuasive. It is Applicant's argument that the present claims, as amended, distinguish over Nevoux at least because no *single entity transmits* a first challenge as claimed and *receives* a second challenge as recited in claim 1 "transmitting, by the client to the computing device, a first challenge, wherein said first challenge comprises an encrypted first random number and said unique identifier associated with said client" and "receiving, by the client from the computing device, a second challenge, wherein said second challenge comprises an encrypted second random number."

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The combination of Whelan et al., Balogh and Nevous et al. discloses the authentication process of Applicant's claimed invention. For at least these reasons the Examiner maintains the rejection of claims 1 – 2, 5 – 8 and 12 – 22.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1 – 2, 5 – 8 and 12 – 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Whelan et al (US. PGPub No. 2004/0198220), hereafter "Whelan" further in view of Balogh (US PGPub. No. 2001/0023446), hereafter "Balogh" and Nevoux et al. (US Pat. No. 5661806), hereafter "Nevoux".

5. With regard to claim 1 and similar claim 15, Whelan discloses method of authenticating a client to one ore more computing devices on one or more communications networks ([0063], lines 1-3), the method comprising the steps of:

obtaining, by the client, a computing device identifier (Fig. 1, item 28, [0032], lines 21-23, association list is downloaded that contains computing device identifier for each sub-net indicates obtaining an computing device identifier) associated with a computing device;

selecting, at said client (Fig. 1, item 28 mobile unit), a set of authentication parameters associated with said computing device identifier, with said computing device identifier, said authentication parameters ([0043], lines 5-8) being stored in a tamper-resistant physical token operatively coupled to said client, said tamper-resistant physical token further permanently storing a unique identifier associated with said client, said tamper resistant physical token further storing a first cryptographic key; and

implementing an authentication process employing said set of authentication parameters ([0049] lines 13-16, authenticate the access point reads on implementing an authentication process and the access point on the association list indicates authentication parameters), the authentication process comprising the steps of:

transmitting a first challenge (Fig. 2A, item 50, initiates association indicates first challenge),

receiving a second challenge (Fig. 2A, item 66, since the outcome of the decision branch of Item 66 feed the response back to the MU indicating there are more AP available; it reads on second challenge), said computing device and associated with said computer device identifier ([0006], lines 1-5) in which generated and stored at access point (Fig. 1, item 20 - AP and 36 - MU association list)

permitting, at said client, said client to access said communications network via said computing device if said authentication process results in a successful authentication of said client (Fig. 2a and 2b, [0049] lines 8-16).

However, Whelan does not disclose each client device includes a unique tamper-resistant physical token comprising: a random number generator.

Balogh, on the other hand, discloses each client device includes a unique tamper-resistant physical token (Fig. 1, item SC, [0030] lines 4-7) comprising: a random number generator.

It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention was made to modify the authentication process method of Whelan by includes a serial number of the tamper resistant physical token, as taught by Balogh to allow

users to connect to a network without knowing what settings are needed and how to change the settings (Balogh, [0007] lines 1-3). Nevertheless, neither Whelan nor Balogh discloses each client device includes a unique tamper-resistant physical token comprising: a random number generator. However, Neouvx discloses each client device includes a unique tamper- resistant physical token comprising: a random number generator (Fig. 2, VLR column, R1 and R2, col. 4, lines 50-51).

It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention was made to modify the methods of Whelan and Balogh to include each client device includes a unique tamper-resistant physical token comprising: a random number generator, as taught by Nevoux to avoid unauthorized access from mobile stations of malicious intruders in a radio-based wireless LAN system.

6. With regard to claims 2 and 21, Whelan discloses said computing device identifier is a basic service set identifier (BSSID) ([0006], lines 1-5).

7. With regard to claim 5, Whelan does not disclose installing the tamper-resistant physical token at the computing device. However, Balogh discloses installing the tamper-resistant physical token at the computing device ([0030], lines 7-9).

It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention was made to modify the method of Whelan by installing the tamper-resistant physical token at the computing device, as taught by Balogh to allow users to connect to a network without knowing what settings are needed and how to change the settings ([0007] lines 1-3).

8. With regard to claims 6 and 22, Whelan does not disclose the tamper-resistant physical token is adapted to be inserted into a communications port at said client. However, Balgoh

discloses the tamper-resistant physical token is adapted to be inserted into a communications port at said client ([0030] lines 7-9, card reader indicates a communication port).

It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention was made to modify the method of Whelan such that the tamper-resistant physical token is adapted to be inserted into a communications port at said client, as taught by Balogh to allow users to connect to a network without knowing what settings are needed and how to change the settings ([0007] lines 1-3).

9. With regard to claim 7, Whelan discloses one or more additional sets of authentication parameters ([0050] lines 4-5, temporary association list indicate one or more sets of authentication parameters), wherein each set of authentication parameters is associated with a unique access point identifier ([0051] lines 1-3).

However, Whelan does not disclose the tamper-resistant physical token further comprises one or more additional sets of authentication parameters, wherein each of the one or more additional sets of authentication parameters is associated with a unique computing device identifier.

Balogh, on the other hand, discloses the tamper-resistant physical token (Fig. 1, item SC, [0030] lines 4-7) further comprises one or more additional sets of authentication parameters, wherein each set of authentication parameters is associated with a unique computing device identifier.

It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention was made to modify the method of Whelan to include the tamper-resistant physical token, as taught by Balogh to allow users to connect to a network without knowing what settings are needed and how to change the settings ([0007] lines 1-3).

10. With regard to claim 8, Whelan discloses each of the unique computing device identifier is in relation to its associated set of authentication parameters (Fig. 1, item 34, [0042] 4-7).

However, Whelan does not discloses each of the unique computing device identifier is stored in said tamper-resistant physical token and in relation to its associated set of authentication parameters.

Balogh, on the other hand, discloses each of the unique computing device identifier is stored in said tamper-resistant physical token (Fig. 1, item SC, [0030] lines 4-7) and in relation to an associated set of authentication parameters.

It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention was made to modify the method of Whelan such that set of authentication parameters are pre-stored in a temper-resistant physical token, as taught by Balogh to allow users to connect to a network without knowing what settings are needed and how to change the settings ([0007] lines 1-3).

11. With regard to claim 12, Whelan disclose the unique identifier is a serial number ([0006], lines 3-4, BSSID uniquely identify an Access point indicates a serial number), but Whelan does not disclose a serial number of the tamper resistant physical token.

Balogh, on the other hand, discloses the tamper resistant physical token (Fig. 1, item SC, [0030] lines 4-7).

It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention was made to modify the authentication process method of Whelan by includes a serial number of the tamper resistant physical token, as taught by Balogh to allow users to connect to a network without knowing what settings are needed and how to change the settings (Balogh, [0007] lines 1-3).

12. With regard to claim 13, Whelan discloses the set of authentication parameters ([0043], lines 5-8), further comprises: a network (Fig. 1, item 18, [0042] lines 1-3)

However, neither Whelan nor Balogh discloses a network receive cryptographic key and a network send cryptographic key.

Nevoux, on the other hand, discloses a network receive cryptographic key (Fig. 2 VLR column, receiving SRES indicates receive cryptographic key) and a network send cryptographic key (Fig. 2, HLR Column, sending Ks which is a result of the AG encryption function, reads on send cryptographic key).

It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention was made to modify the methods of Whelan and Balogh by including a network receive cryptographic key and a network send cryptographic key in the set of authentication parameters, as taught by Nevoux to avoid unauthorized access from mobile stations of malicious intruders in a radio-based wireless LAN system.

13. With respect to claim 14, Whelan further discloses the first challenge (Fig. 2A, item 50, initiates association indicates first challenge) and the second challenge (Fig. 2A, item 66, since the outcome of the decision branch of Item 66 feed the response back to the MU indicating there are more AP available; it reads on second challenge), and decrypting the second challenge ([0075] lines 1-7).

However, neither Whelan nor Balogh discloses encrypting, by the client, the first challenge with the network send cryptographic key; and decrypting the second challenge with the network receive cryptographic key.

Nevoux, on the hand, discloses encrypting said first challenge with said network send cryptographic key (Fig. 2, HLR column item Ks, sending Ks which is an encrypted cryptographic

key from a network indicates network send cryptographic key) and network receive cryptographic key (Fig. 2 VLR column, receiving SRES indicates receive cryptographic key)

It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention was made to modify the methods of Whelan and Balogh to include in the authentication parameters further comprises the step of encrypting said first challenge with said network send cryptographic key, as taught by Nevoux to avoid unauthorized access from mobile stations of malicious intruders in a radio-based wireless LAN system.

14. With regard to claim 16, Whelan discloses each client device further includes a wireless communications transceiver to communicate with one of said one or more computing devices via a wireless channel (Fig. 1, [0082] lines 1-6).

15. With regard to claim 17, Whelan discloses wireless channel (Fig. 1, item 26) is an IEEE 802.11 wireless channel ([0004] lines 1-4).

16. With regard to claim 18, Whelan discloses one or more authentication devices (Fig. 1, item 10) but does not disclose one or more computing devices are Wi-Fi access points.

Balogh, on the other hand, disclose one or more authentication devices are Wi-Fi access points (Fig. 1, AP1-AP3).

It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention was made to modify the authentication process method of Whelan by including one or more computing devices are Wi-Fi access points, as taught by Balogh to allow users to connect to a network without knowing what settings are needed and how to change the settings (Balogh, [0007] lines 1-3).

17. With regard to claim 19, Whelan discloses at least two Wi-Fi access points (Fig. 1, Item 28) but does not disclose at least two Wi-Fi access points are associated with different Wi-Fi networks are associated with different Wi-Fi networks.

Balogh, on the other hand, discloses at least two Wi-Fi access points are associated with different Wi-Fi networks (Fig. 1, Item AP1-4 with NW1 and NW2).

It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention was made to modify the communication system of Whelan by including at least two Wi-Fi access points are associated with different Wi-Fi networks, as taught by Balogh to allow users to connect to a network without knowing what settings are needed and how to change the settings (Balogh, [0007] lines 1-3).

18. With regard to claim 20, Whelan discloses each of the one or more unique sets of authentication parameters is associated with an access point identifier ([0043], lines 5-8).

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurel Lashley whose telephone number is 571-272-0693. The examiner can normally be reached on Monday - Thursday, alt Fridays btw 7:30 am & 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, Jr. can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laurel Lashley
Examiner
Art Unit 2132
LLL
11 October 2007

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